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# Fax Cover Sheet

**Date:** 15 Oct 2003

<b>To:</b> Attorney Shelve	<b>From:</b> Brenda A Lamb
<b>Application/Control Number:</b> 09/743,938	<b>Art Unit:</b> 1734
<b>Fax No.:</b> (704) 331-5798 <i>7598</i>	<b>Phone No.:</b> (703) 308-2056
<b>Voice No.:</b>	<b>Return Fax No.:</b>
<b>Re:</b>	<b>CC:</b>
<input type="checkbox"/> <b>Urgent</b> <input type="checkbox"/> <b>For Review</b> <input type="checkbox"/> <b>For Comment</b> <input type="checkbox"/> <b>For Reply</b> <input checked="" type="checkbox"/> <b>Per Your Request</b>	

**Comments:**

Copy of the Advisory Action that you requested.

**Number of pages** \_\_ **including this page**

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# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,938	03/28/2001	Ralf Fuchs	20981.010	2209 12

7590 10/02/2003  
Dalbert U Shefte  
Kennedy Covington Lobdell & Hickman  
Bank of America Corporate Center  
100 North Tryon Street Suite 4200  
Charlotte, NC 28202-4006

EXAMINER

LAMB, BRENDA A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 10/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

# Advisory Action

Application No.

09/743,938

Applicant(s)

FUCHS ET AL.

Examiner

Brenda A Lamb

Art Unit

1734

--Th MAILING DATE of this communication appears on the cover sheet with the correspondence addr ss --

THE REPLY FILED 25 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

## PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

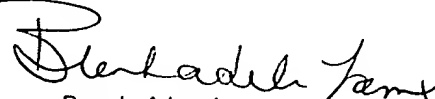
Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-8.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
Brenda A Lamb  
Primary Examiner  
Art Unit: 1734

Continuation of 2. NOTE: The recitation in claim 1 that the second roller is disposed for travel of the yarn sheet therearound through the pre-wetting liquor presents a new issues in that applicant has never before recited such a limitation in claim 1 and such a newly claimed limitation in claim 1 would require additional considerations and/or searches. Claims 9-16 presents a new issue since they are directed a device for sizing a yarn sheet comprised of a draw-in unit comprising a set of rollers consisting essentially of three rollers since applicant has never before claimed that the draw-in unit is comprised of a set of rollers consisting essentially of three rollers. The recitation in claim 9 of newly presented claims 9-16 that the second roller is disposed for travel of the yarn sheet therearound through the pre-wetting liquor presents a new issue since applicant has never before recited such a limitation in combination with a draw-in unit having a set of rollers consisting essentially of three rollers